



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

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| Licence Number | L4467/1972/14 |
| Licence Holder | Chevron Australia Pty Ltd |
| ACN | 086 197 757 |
| File Number | DER2013/000939-4 |
| Premises | Barrow Island Oil and Gas Facility Crown Reserve 11648 BARROW ISLAND WA 6712 |
| Date of Report | 16 October 2023 |
| Decision | Revised licence granted |

Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act. This amendment has been initiated by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER; the department) to give effect to the Minister for Environment's (Minister) appeal determination of 5 September 2023.

There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

Background

Licence L4467/1972/14, held by Chevron Australia Pty Ltd (licence holder) was amended on 2 August 2022 to authorise the construction and operation of a pyrolysis plant to process spinifex vegetation cleared under Clearing Permit 123/9.

Two appeals were subsequently lodged against the conditions of the licence. On 5 September 2023, the Minister allowed the appeal to the extent that the licence conditions are amended to address several matters (Appeal 029 of 2022):

Amendments to conditions

The Minister determined that while the requirements of the licence were generally appropriate, consistent with the advice of DWER and the Appeals Convenor the following changes were required:

- Condition 1 (Table 1: Infrastructure and equipment controls table 'Cleared vegetation storage area') revised to:
 - specify that windrows must be no more than 4 metres high, 50 metres long and 10 metres wide
 - specify that each windrow must be located at least 6 metres from the pyrolysis plant and other vegetation windrows within the cleared area
 - specify that a separation distance of at least 10 metres must be maintained between externally facing sides of outer windrows and adjacent undisturbed vegetation, consistent with the Shire of Ashburton's annual Firebreak Notice
 - revert '160,000 m³' of vegetation that may be stored within the cleared area to either the volume authorised under the previous version of the licence or to a volume reflective of the actual storage capacity.
- Condition 2 (Table 2: Design and construction / installation requirement 'Pyrolysis plant Container 3 - pyrolysis kiln and bagging') revised to specify a discharge stack with a minimum stack height of '>6 m' above ground level.
- Condition 5 (Table 3: Authorised emission points to air 'NO_x, SO₂, CO, PM, VOCs, benzene, toluene, dioxins and furans') revised to state a minimum discharge point height of '>6' metres above ground level.
- Condition 6 (Table 4: Point source emission to air monitoring 'Pyrolysis kiln - Container 3 Stack') revised to expand the parameters to include metals (such as arsenic (As), cadmium (Cd), chromium (Cr), copper (Cu), mercury (Hg), nickel (Ni) and zinc (Zn)), with appropriate averaging periods, units and sampling and analysis methods (such as USEPA Method 29), in the single-event point source emission to air monitoring.
- A new condition added that restricts the use of produced biochar within the premises boundary until laboratory testing and endorsement by a WA accredited Contaminated Site Auditor confirm produced biochar is not a source of contaminants.

Theoretical maximum storage capacity of cleared area has been estimated at approximately

19,000m³ of vegetation, taking into account specified separation distances and maximum windrow dimensions. To account for potential uncertainties in the calculation method due to the uneven dimensions of the storage area, the maximum allowable storage volume of vegetation has been limited to 20,000m³.

The appeal was otherwise dismissed. As the purpose of this amendment is to give effect to an appeal decision, no further risk assessment to justify these changes is required within this amendment report.

The delegated officer also notes that the licence was subsequently amended on 13 September 2023 to modify the prescribed premises boundary (including an updated map). These changes have also been incorporated into this amended licence.

Additional administrative updates were also made to correct a typographical error and include table numbering.

Decision

The delegated officer has amended the licence to give effect to the Minister’s determination dated 5 September 2023, as required under section 110 of the EP Act and to make minor administrative corrections. The decision report for the existing licence will remain on the DWER website for future reference and will act as a record of department’s decision making.

Consultation

The licence holder was provided with the draft amended licence on 5 October 2023. Comments received from the licence holder on 16 October 2023 have been considered by the delegated officer as detailed in Appendix 1.

Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 1: Summary of licence amendments

| New Condition No. | Previous Condition No. | Proposed amendments |
|--------------------------------------|------------------------|---|
| Condition 1 - Table 1, items 5 and 6 | Condition 1 - Table 1 | <p>‘Cleared vegetation storage area’ was revised to:</p> <ul style="list-style-type: none"> • specify that windrows must be no more than 4 metres high, 50 metres long and 10 metres wide • specify that each windrow must be located at least 6 metres from the pyrolysis plant and other vegetation windrows within the cleared area • specify that a separation distance of at least 10 metres must be maintained between externally facing sides of outer windrows and adjacent undisturbed vegetation • specify a maximum vegetation storage limit of 20,000m³ to be reflective of the actual storage capacity. |

| New Condition No. | Previous Condition No. | Proposed amendments |
|-----------------------|------------------------|--|
| Condition 2 - Table 2 | | 'Pyrolysis plant Container 3 - pyrolysis kiln and bagging' was revised to specify a discharge stack with a minimum stack height of '>6 m' above ground level |
| Condition 4 | | Typographical error corrected – reference to 'condition 0' corrected to 'condition 3' |
| Conditions 5 and 6 | N/A | <p>A new condition was added to restricts the use of produced biochar within the premises boundary until laboratory testing and endorsement by a WA accredited Contaminated Site Auditor confirm produced biochar is not a source of contaminants.</p> <p>Additional condition added to require the submission of laboratory testing result and confirmation of endorsement.</p> |
| Condition 7 - Table 3 | Condition 5 - Table 3 | Authorised emission points to air 'NOx, SO2, CO, PM, VOCs, benzene, toluene, dioxins and furans' was revised to state a minimum discharge point height of '>6' metres above ground level. |
| Condition 8 - Table 4 | Condition 6 - Table 4 | Point source emission to air monitoring was revised to expand the parameters to include metals (such as arsenic (As), cadmium (Cd), chromium (Cr), copper (Cu), mercury (Hg), nickel (Ni) and zinc (Zn)), with appropriate averaging periods, units and sampling and analysis methods in the single-event point source emission to air monitoring. |
| N/A | | <p>Administrative updates:</p> <ul style="list-style-type: none"> – inclusion of table numbering for clarity. – updated condition numbers following addition of new conditions. |

Appendix 1: Summary of licence holder's comments on draft amendment

| Condition | Summary of licence holder's comment | Department's response |
|-----------|--|---|
| 6 | Requested change of wording in condition 6 to update the word 'accreditation' to 'endorsement' as the Contaminated Sites Auditor provides endorsement. | This change has been accepted and implemented as the inclusion of the word accreditation was a typographical error. |